

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HENLEY MENELEE

Petitioner

VS.

UNITED STATES OF AMERICA

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MISCELLANEOUS ACTION NO.
4:14-MC-1123

OPINION AND ORDER

Pending before the Court is *pro se* Plaintiff Henley Menefee's criminal complaint against the United States of America, President Barack Obama, Vice President Joe Biden, Speaker of the United States House of Representatives John Boehner, the United States House of Representatives, and the United States Senate (Doc. 1). The factual basis for Plaintiff's complaint reads:

My home has been on national television. Individuals, companies, and corporations have been watching me in my home. They have intentionally violated the U.S. Constitution and U.S. Criminal Code. These constitutional and criminal violations have been utilized for profit by the government and other major corporations.

(Doc. 1 at 1). Based on these facts, Plaintiff asserts numerous "constitutional and criminal violations." (*Id.*).

It is well established that private citizens cannot bring a direct criminal action against the United States or another person; nor can they petition the federal courts to compel the criminal prosecution of another person. *Linda R.S. v. Richard D.*, 410 U.S. 614 (1973). The decision whether to prosecute a case with vested within the discretion of the prosecutorial authority. *See United States v. Nixon*, 418 U.S. 683, 693 (1974) ("Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case"); *Williams v. Luttrell*, 99 Fed. App'x 705, 707 (6th Cir. 2004) ("[A]s a private citizen, Williams has no authority to initiate a federal

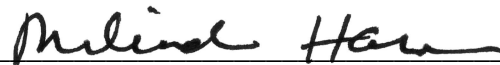
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criminal prosecution of the defendants for their alleged unlawful acts.”); *Saro v. Brown*, 11 Fed. App’x 387, 388 (6th Cir. 2001) (“A private citizen has no authority to initiate a federal criminal prosecution; that power is vested exclusively in the executive branch.”). A private citizen who wants criminal charges to be brought in the Southern District of Texas must submit the complaint to the United States Attorney for review, since it is the United States Attorney who is responsible for prosecuting the complaint.

For the foregoing reasons, it is hereby

ORDERED that Plaintiff’s Complaint (Doc. 1) is **DISMISSED**.

SIGNED at Houston, Texas, this 13th day of May, 2014.

A handwritten signature in blue ink, reading "Melinda Harmon", is written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE